

Robert G. Shepherd, Esq. (RGS-5946)  
MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.  
29 Thanet Road, Suite 201  
Princeton, NJ 08540  
Tel: (609) 924-8555

Of Counsel:  
Philip Colicchio, Esq.  
Taylor, Colicchio & Silverman, LLP  
502 Carnegie Center, Suite 103  
Princeton, NJ 08540  
Tel: 609 987-0022  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<hr/>	:	Civil Action No.: 1:07-04530 (LTS)
Plaintiff,	:	
v.	:	
VENUSTAS INTERNATIONAL, LLC,	:	
Defendant.	:	
<hr/>		

Motion Returnable: \_\_\_\_\_  
Honorable Laura Taylor Swain  
Magistrate Judge Theodore Katz

Documents Electronically Filed

PLEASE TAKE NOTICE that pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant, Venustas International, LLC, hereby moves this Court for an order granting partial summary judgment on the issue of damages to Defendant and denying the award of Defendant's profits to Plaintiff.

As grounds for this motion, Defendant sets forth the accompanying Statement of Undisputed Material Facts and Defendant's Memorandum of Points and Authorities in Support of Its Motion for Partial Summary Judgment, with the attached Declaration of Sam Ghussan,

which together demonstrate that there is no genuine issue of material fact and that Defendant Venustas is entitled to judgment as a matter of law with regards to damages, and that plaintiff is not entitled to an award of defendant's profits pursuant to current case law in the Second Circuit.

Movant used its best efforts, including a telephone conference with Plaintiff's counsel as well as an exchange of letters with Plaintiff, to resolve informally with Plaintiff the matters raised in Defendant's Motion for Partial Summary Judgment.

Dated: January 25, 2008

BY: s/ Robert G. Shepherd  
Robert G. Shepherd, Esq.  
MATHEWS, SHEPHERD, McKAY & BRUNEAU  
29 Thanet Road, Suite 201  
Princeton, New Jersey 08540-3661  
Phone: (609) 924-8555  
Facsimile: (609) 924-3036  
Email: shep@mathewslaw.com